

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a)), and in accordance with 21 DCMR Chapter 40, at its regularly scheduled meeting on September 3, 2009 took final action to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 41, Retail Water and Sewer Rates by revising Section 4100 Rates for Water Service and 4101 Rates for Sewer Service, and Chapter 1, Water Supply, Section 112 Fees. These rules adopt new rates for metered Retail Water and Sewer Services, Impervious Surface Area Charge and Right of Way Occupancy Fee Pass Through Charge/ Pilot Fee.

The Authority's proposed rulemaking was originally published in the April 24, 2009 edition of the *D.C. Register* (56 DCR 3191). A public hearing was held on June 10, 2009. The Retail Rates Committee at its meeting on July 23, 2009 considered the comments offered at the June 10, 2009 public hearing. The Board of Directors voted after consideration of all comments received and the report of the Retail Rates Committee to increase the retail metered water service rate from \$2.30 per One Hundred Cubic Feet of water used to \$2.51 per One Hundred Cubic Feet of water used; increase the retail metered sewer service rates from \$3.31 per One Hundred Cubic Feet of water used to \$3.61; increase the Impervious Surface Area Charge from \$1.24 to \$2.20 per month per Equivalent Residential Unit; and increase the Right of Way Occupancy Fee Pass Through Charge / Pilot Fee from \$0.52 per One Hundred Cubic Feet of water used to \$0.57 per One Hundred Cubic Feet of water used, effective October 1, 2009.

A typographical correction was made to the regulations, which does not substantively alter or change the intent, meaning, or application of the proposed rules.

This final rulemaking will be effective October 1, 2009.

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4100 RATES FOR WATER SERVICE, Subsection 4100.3 is amended to read as follows:

4100 RATES FOR WATER SERVICE

4100.3 The retail rate for metered water service shall be:

- (a) Effective October 1, 2009, increased from Two Dollars and Thirty Cents (\$2.30) to Two Dollars and Fifty-One Cents (\$2.51) for each One Hundred Cubic Feet of water used.

Title 21 DCMR, CHAPTER 41 RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, Subsection 4101.1 is amended to read as follows:

4101 RATES FOR SEWER SERVICE

4101.1 The retail rates for sanitary sewer service shall be:

- (a) Effective October 1, 2009, the retail sanitary sewer service rate shall be increased from Three Dollars and Thirty-One Cents (\$3.31) to Three Dollars and Sixty-One Cents (\$3.61) for each One Hundred Cubic Feet (“Ccf”) of water used; and
- (b) Effective October 1, 2009, the Impervious Surface Area Charge shall be increased from One Dollar and Twenty-Four Cents (\$1.24) to Two Dollars and Twenty Cents (\$2.20) per month per Equivalent Residential Unit (ERU).

Title 21 DCMR, Chapter 1 WATER SUPPLY, Section 112 FEES, Subsection 112.8 RIGHT OF WAY OCCUPANCY FEE PASS THROUGH CHARGE is amended to read as follows:

112.8 RIGHT OF WAY OCCUPANCY FEE PASS THROUGH CHARGE / PILOT FEE - The Right of Way Occupancy Fee Pass Through Charge / Pilot Fee, assessed to recover the cost of fees charged by the District of Columbia to the Water and Sewer Authority for use of District of Columbia public space and rights of ways, shall be as follows:

- (a) Effective October 1, 2009, the Right of Way Occupancy Fee Pass Through Charge / Pilot Fee shall be increased from Fifty-Two Cents (\$0.52) to Fifty-Seven Cents (\$0.57) for each One Hundred Cubic Feet (“Ccf”) of water used, divided as follows:
 - (1) Payment in Lieu of Taxes, Forty-Three Cents (\$0.43) per Ccf; and
 - (2) District of Columbia Right of Way Fee, Fourteen Cents (\$0.14) per Ccf.

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The Board of Directors (“the Board”) of the District of Columbia Water and Sewer Authority (“the Authority”), pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, as amended (D.C. Law 11-111, §§ 203(3), (5), and (6) and 205(a)(3) and (7); D.C. Code §§ 34-2202.03(3), (5), and (6) and 34-2202.05(a)(3) and (7)), and Board Resolution # 09-95 adopted at its regular meeting held on September 3, 2009, took final action to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 53, Water and Sanitation, District of Columbia Water and Sewer Authority Procurement Regulations, subsection 5332.4. The final rules amend 21 DCMR Chapter 53, Subsection 5332.4.

The Board expressed its intention to amend the 21 DCMR Chapter 53, subsection 5332.4 at its regularly scheduled Board meeting on July 2, 2009 pursuant to Board Resolution # 09-87.

The Authority’s proposed rulemaking was published in the July 10, 2009 edition of the *D.C. Register* (56 DCR 5661). The Board after consideration of all comments received and the recommendations of the Finance and Budget Committee voted to proceed with the amendments to the Authority Procurements Regulations, Title 21 of DCMR, Chapter 53, Subsection 5332.4. No changes have been made to the substance of the proposed regulations.

This final rulemaking will be effective when published in the *D.C. Register*.

21 DCMR Chapter 53, DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY PROCUREMENT REGULATIONS, is amended as follows:

Paragraphs 5332.4(h) and (i) are amended to read:

- (h) Intergovernmental agreements and cooperative agreements with other institutions where the primary purpose is not the purchase of goods, services or construction;
- (i) Travel services; and

Subsection 5332.4 is amended by adding new paragraph 5332.4(j) to read as follows:

- (j) The following services provided by the Metropolitan Washington Council of Governments:
 - (1) Services and equipment related to pollution control measures and water quality management required by the Blue Plains Intermunicipal Agreement;

- (2) Studies, including modeling and water sampling for the purpose of validating assumptions on the effect of pollutants discharged into the Potomac River and its tributaries by wastewater treatment facilities; and
- (3) Specialized security equipment for detection of chemical, biological and radiological contaminants in the waterways.